

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN JIM SHOCKLEY**, on March 8, 2001 at 9:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Jim Shockley, Chairman (R)  
Rep. Paul Clark, Vice Chairman (D)  
Rep. Jeff Laszloffy, Vice Chairman (R)  
Rep. Darrel Adams (R)  
Rep. Gilda Clancy (R)  
Rep. Aubyn A. Curtiss (R)  
Rep. Steven Gallus (D)  
Rep. Gail Gutsche (D)  
Rep. Christopher Harris (D)  
Rep. Linda Holden (R)  
Rep. Joan Hurdle (D)  
Rep. Jeff Mangan (D)  
Rep. Brad Newman (D)  
Rep. Mark Noennig (R)  
Rep. Ken Peterson (R)  
Rep. Diane Rice (R)  
Rep. Bill Thomas (R)  
Rep. Merlin Wolery (R)  
Rep. Cindy Younkin (R)

**Members Excused:** Rep. Bill Eggers (D)

**Members Absent:** None.

**Staff Present:** John MacMaster, Legislative Branch  
Mary Lou Schmitz, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: **SB 128 - 3-02-01**  
**SB 257 - 3-02-01**  
**SB 282 - 3-02-01**

**SB 334 - 3-02-01**

Executive Action: **SB 257 - BCI**  
**SB 334 - BCI**

**HEARING ON SB 282**

**Sponsor:** Senator Bill Crismore, SD 41, Lincoln County, Libby said this Bill has been agreed on by both W.R.Grace and the plaintiffs in Court. The Bill will allow an asbestos claims court because of a backlog.

**Proponents:** Judge Mike Prezeau, 19<sup>th</sup> Judicial District, Lincoln County, Libby

Robin Redman, Relative of victims of asbestos exposure.

James Regnier, Justice, Montana Supreme Court.

Don Judge, Montana AFL-CIO, Helena

Patrick Judge, Montana Environmental Association

Roger Sullivan, Attorney, Kalispell

**EXHIBIT** (juh53a01)

Dallas Erickson, Stevensville.

Matthew Leon, Montana Public Research Group

Rep. Aubyn Curtiss, HD 81, Sweet Grass

**Opponents:** None

**Questions from Committee Members and Responses:** Reps. Clancy, Harris, Noennig, Adams, Peterson, Hurdle to Senator Crismore, Judge Prezeau, Mr. Sullivan.

**Justice Regnier** said this Bill was drafted through some extraordinary efforts involving himself, **Justice Jim Nelson, Roger Sullivan, members of the Garlington firm who represent W.R. Grace Co. and Greg Petesch.** The key to the Bill is stipulation and the appointment provision. This will be the court that will be a streamline approach providing compensation to these victims in a timely fashion.

*{Tape : 1; Side : A; Approx. Time Counter : 0.1 - 29.6}*

*{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 22.3}*

Closing by Sponsor: Senator Crismore closed the Hearing on SB 282.

HEARING ON SB 128

Sponsor: Senator John Bohlinger, SD 7, Billings said he met with six law enforcement officers in Billings who shared with him the problems they are having in Montana with pimps who lured young women into the life of prostitution. This Bill will impose a fine up to \$50,000 and will send the promoters not to the county jail for six months, but to the state prison for a term not to exceed 20 years or both. This will cause pimps to reconsider recruitment efforts in Montana. We will affirm, in law, that our children are not for sale.

*{Tape : 1; Side : B; Approx. Time Counter : 22.3 - 29.6}*

*{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 4.2}*

Proponents: Sharon Hoff-Brodowy, Montana Catholic Conference, Helena

Tim O'Connell, Sergeant, Billings Police Department, Billings

David Morales, Former Truancy Officer, School District 2, currently with the U.S. Attorney's office, Billings

David Lemoine, FBI agent, Billings

Mike Moreni, Billings Police Dept., Billings

Dennis Paxinos, Yellowstone County Attorney, Billings

*{Tape : 2; Side : A; Approx. Time Counter : 5 - 31.6}*

*{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 0.9}*

Julie Millam, Montana Christian Coalition, Helena

Dallas Erickson, Montana Citizens for Decency through Law, Stevensville. **EXHIBIT**(juh53a02) **EXHIBIT**(juh53a03)

Opponents: None

Questions from Committee Members and Responses: Reps. Clark, Gutsche, Clancy, Rice, Harris, Hurdle, Laszloffy, Newman to

**Morales, Mr. O'Connell, Mr. Lemoine, Mr. Paxinos, Senator Bohlinger for further information and clarification.**

***{Tape : 2; Side : B; Approx. Time Counter : 0.9 - 29.6}***

**Closing by Sponsor:** Senator Bohlinger closed the Hearing on SB 128 by saying this is a serious problem, not only a Billings problem, but a state-wide problem. The officers he spoke with said if we can make this a felony crime they will then have the opportunity to raise the bonding limits and with a higher bond, these people will not just be bonded out of jail and then released. They will have to stay in jail and sent away to the state prison for 20 years. The Bill is important because it is going to help save some lives.

#### **HEARING ON SB 257**

**Sponsor:** Senator John Bohlinger, SD7, Billings said this Bill will provide protection of abandoned children, specifically abandonment as a basis for abuse or neglect proceedings and a determination that a child is a youth in need of care. This Bill would provide a family member care-giver to the child and shall be given priority in participating in abuse and neglect proceedings.

Under this proposal a grandparent or relative of a child who is caring for that child, who is under the age of 18, has been abandoned, or is at risk of being abandoned by their natural parents, can be described as a youth in need of care. In such a case a grandparent or relative may be allowed by the courts to intervene if it is determined it is in the child's best interest.

The purpose of this Bill is to give grandparents or extended family members of the abandoned child greater standing in the court proceedings.

***{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 10.7}***

**Proponents:** Gladys Stahl, President, Southside Senior Center, Billings.

Chuck Notbohm, AARP, Clancy

Rep. Paul Clark, HD 72, Trout Creek at the request of Bud Clinch, President, Legacy Legislature Planning Committee.

**Opponents:** None

**Questions from Committee Members and Responses:** Reps. Hurdle, Peterson, Gutsche to Senator Bohlinger, Mr. Notbohm, and Chuck Hunter, Department of Public Health and Human Services for further clarification.

*{Tape : 3; Side : A; Approx. Time Counter : 10.7 - 24.8}*

**Closing by Sponsor:** Senator Bohlinger closed the Hearing on SB 257 by saying this Bill is about placing children in safe homes where care, love and concern can be provided. It will allow grandchildren or children of family members to be placed in an environment where they can receive love and attention that all children need. It's a way to rescue children from unhealthy situations.

*{Tape : 3; Side : A; Approx. Time Counter : 24.8 - 26.6}*

**HEARING ON SB 334**

**Sponsor:** Senator Lorents Grosfield, SD 13, Big Timber said this is a Bill to require the Department of Justice to establish a better rehabilitation improvement program that works. Some private entities have started some rehab schools of their own and are being used around the state in a variety of communities with some success. This is not driver training in the sense of high school programs etc. These drivers have a lot of tickets or conviction points and a judge will require them to attend a rehab improvement program. **EXHIBIT(juh53a04)**

*{Tape : 3; Side : A; Approx. Time Counter : 26.6 - 30}*

*{Tape : 3; Side : B; Approx. Time Counter : 0.1 - 2.4}*

**Proponents:** Tony Steffins, Detective, Park County Sheriff's office, Livingston and operates Rocky Mountain Traffic School. **EXHIBIT(juh53a05)**

Terry Steffins, co-owner Rocky Mountain Traffic School.

Brenda Nordlund, Department of Justice, Helena

**Opponents:** None

**Questions from Committee Members and Responses:** Reps. Adams, Noennig, Gutsche, Harris, to Mr. Steffins, Senator Grosfield, Ms. Nordlund for further explanation.

**Closing by Sponsor:** Senator Grosfield closed the Hearing on SB334

*{Tape : 3; Side : B; Approx. Time Counter : 2.4 - 28.0}*

**EXECUTIVE ACTION ON SB 257**

**Motion/Vote:** REP. YOUNKIN moved that SB 257 BE CONCURRED IN. #1  
Motion carried unanimously 16 - 0.

**EXECUTIVE ACTION ON SB 334**

**Motion:** REP. YOUNKIN moved that SB 334 BE CONCURRED IN. #2

**Discussion:** Reps. Rice, Adams, Laszloffy, Peterson, Thomas, Holden, Gutsche, Clark, Noennig.

*{Tape : 3; Side : B; Approx. Time Counter : 28 - 29.9}*

*{Tape : 4; Side : A; Approx. Time Counter : 0.1 - 9}*

**Motion/Vote:** REP. CLARK moved that SB 334 BE AMENDED. Motion failed 1-15 with Rep. Clark voting aye. Rep. Clark withdrew his amendment.

**Discussion:** Reps. Younkin, Rice, Shockley.

**Vote:** Motion #2, SB 334 Be Concurred In carried 15-3 with Reps. Adams, Clancy and Rice voting no.

*{Tape : 4; Side : A; Approx. Time Counter : 9 - 13.5}*

**ADJOURNMENT**

Adjournment: 12:05 P.M.

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REP. JIM SHOCKLEY, Chairman

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MARY LOU SCHMITZ, Secretary

JS/MS

**EXHIBIT** (juh53aad)